

REMARKS

In the Office Action dated July 9, 2008, the Examiner maintained the requirement that was made in the previous Office Action to include a section entitled "Cross-Reference to Related Applications" and to include a reference to the claimed priority in that section. When this requirement was made in the previous Office Action, Applicants stated that the Examiner has no statutory authority for making such a requirement, and requested the Examiner to identify any statutory authority that the Examiner believes to exist to substantiate this requirement. The Examiner did not cite any statutory authority for maintaining this requirement, and Applicants not only continue to submit that there is no such statutory authority, but also submit that making the change requested by the Examiner would result in confusing and contradictory information in the issued patent.

There is no basis anywhere in 35 U.S.C. §119, which is the statute that establishes all requirements for claiming convention priority, that requires a specific section to be included in the specification of a patent application wherein foreign priority information is contained. The same is true with respect to 37 C.F.R. §1.55, which is the USPTO Rule for implementing 35 U.S.C. §119. The same is true with regard to MPEP §201.14, which explains the formal requirements for claiming the right of priority, as well as MPEP §201.14(b) which describes all papers that must be filed, as well as MPEP §201.14(c) which describes the practice relating to the claiming of priority. In fact, the fourth paragraph of MPEP §201.14(b) explicitly states that the claim to priority need be in no special form.

Applicants respectfully submit the Examiner is confusing the claiming of priority under 35 U.S.C. §119 with the identification of a true "related application" for

which Applicants acknowledge cross-noting must be made, as explained in MPEP §202.02. In that section, there is explicit differentiation that is made between claiming priority under 35 U.S.C. §119, and relying on the benefit of the filing date of an earlier United States application, such as an application from which the present application is a continuation-in-part, a continuation, or a divisional application. These types of applications are the only “related applications” that must be cross-noted. The foreign priority application is *not* a “related application” in that context.

Applicants therefore submit that since the section referring to “cross-noting of related applications” is reserved only for related United States applications of the type described above, including such a section in the present specification, and citing the foreign priority document therein, would mislead a reader of the issued patent for this application by causing such a reader to think that the foreign priority document is somehow a related United States application.

The undersigned representative of the Applicants has filed thousands of priority applications, and has never been required to include an identification of the foreign priority document in a section of the specification of the type identified by the Examiner. The Examiner need only review the references cited in the Information Disclosure Statement filed herein on May 16, 2006, which includes three United States patents, all of which claim the benefit of foreign priority, and none of which include a section in the specification of the type identified by the Examiner.

Applicants therefore again respectfully decline to make the change requested by the Examiner.

A typographical error was noted in claim 33, which has been corrected.

Claims 20, 26 and 32 were rejected under 35 U.S.C. §102(e) as being anticipated by Sinderby et al. '286. Claims 21-25, 27-31 and 33-37 were stated to be allowable if rewritten in independent form.

In response, most of the subject matter of each of dependent claims 21, 27 and 33 has been embodied in respective independent claims 20, 26 and 32. Applicants submit that the basis for stating that those claims contained allowable subject matter noted by the Examiner did not include the feature of normalizing the sum signal, and Applicants agree that it is correct that this normalization does not take place "in each channel," as is the case for the other limitations of those dependent claims. Therefore, the allowable subject matter noted by the Examiner has been incorporated in the respective independent claims, and claims 21, 27 and 33 have been retained in the application to claim only the normalizing feature.

In view of the indicated allowability of the aforementioned subject matter in claims 21, 27 and 33, all claims of the application are now submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,

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